

REMARKS

This is in full and timely response to the non-final Official Action of May 27, 2009. Reexamination in light of the following remarks is respectfully requested. No new matter has been added. Claims 1-4, 6 and 8-11 are currently pending in this application, with claims 1, 9 and 10 being independent.

I. Priority Documents

It is noted with appreciation that the Office Action has acknowledged receipt of the claim for priority and the certified document supporting that claim.

II. Information Disclosure Statement

Applicants thank the Examiner for providing initialed copies of form PTO/SB/08a/b, which were submitted by the Applicants on February 8, 2006, December 4, 2006 and March 5, 2009, respectively.

III. Claim Rejection under 35 U.S.C. §101

1. Claim 9

Claim 9 is rejected under 35 U.S.C. §101 based on Supreme Court precedent and recent Federal Circuit decision. Specifically, the Office Action asserts that Applicants' method steps are not tied to a particular machine and do not perform a transformation, so that the claims are non-statutory subject matter. The rejection is respectfully traversed for at least reasons discussed below.

Claim 9 has been amended to tie the steps to a computer system so that claims are directed to a statutory subject matter. Therefore, withdrawal of the rejection is respectfully requested.

2. Claim 10

Claim 10 is rejected under 35 U.S.C. §101 because claim is directed to a program per se, which is non-statutory subject matter. The rejection is respectfully traversed for at least reasons discussed below.

By the foregoing amendment, claim 10 has been amended so as to claim a computer readable medium including program instructions executable by a computer system, which is a statutory subject matter. Therefore, withdrawal of the rejection is respectfully requested.

IV. Claim Rejection under 35 U.S.C. §102.

Claims 1-10 are rejected under 35 U.S.C. §102(b) as being anticipated by Abe et al. The rejection is respectfully traversed for at least reasons discussed below.

1. Claim 1

Claim 1 is directed to a playback apparatus for playing back video data, comprising: an input acceptance processing unit which accepts a playback instruction indicating a playback frame; a memory which stores table information including first position information, which is absolute position information as to each frame of the video data, second position information, which is associated with the first position information as to each frame of the video data and is relative position information of the video data, and status information indicating a type of change pattern of a value of the first position information as to each frame of the video data, so that a plurality of consecutive frames having the same status information indicating a type of change pattern of a value of the first position information in the table information can be identified; identifying means for identifying the second position information, by referring to the table information, wherein the identifying means performs determination whether the first position information of the playback frame which is specified by the playback instruction exists in each status section which is grouped by the plurality of consecutive frames having the same status information, and identifies the second

position information corresponding to the first position information of the playback frame which is specified by the playback instruction based on a result of the determination; and playback means for playing back the playback frame corresponding to the second position information identified by the identifying means.

Abe et al. arguably teaches that a time code management table showing the relationship between said real time code and newly allocated server record time code (STC, FTC) is formed so that the server record time cord can be detected by the time code management table (Refer to column 16, line 40 to column 17, line 14).

As a preliminary matter, by the foregoing amendment, features similar to those of claims 5 and 7 (which have been canceled by the amendment) have been incorporated in the amended claim 1.

With respect to claim 5 which has been canceled by the foregoing amendment, the Office Action asserts that Abe et al. teach the identifying means identifies the second position information ... based on table information that ... has an element of a correlation between the first position where a type of change pattern of a value of the first position information changes (e.g. column 15, lines 16-32, scaled down display of the time code must shows changes in the time code as the display of frames progress, column 12, lines 48-61 teach a table includes VITC time codes).

In Abe et al., if the plural number of frames of the real time code specified exist in the same file, each frame video signal 90A-90D read out is displayed in the display area 90 (column 15, lines 16-25). That is, in Abe et al., even though scaled down display of the time code must shows changes in the time code as the display of frames progress (not admitted), and the operator can know that there exist multiple frames of the real time code specified in the file, no information indicating a type of change pattern of a value of the first position information, is stored in the time code management table of Abe et al. Please note that what is stored in the memory-according to the claimed invention is information indicating a type of change pattern. Thus, Abe et al. fails to disclose, teach or suggest a memory which stores table information including first position

information, ... second position information, .. and ... status information indicating a type of change pattern of a value of the first position information as to each frame of the video data. In addition, in the claimed invention, the identifying means identifies the second position information by referring to the above discussed table information stored in the memory, while Abe et al. fails to such table information. The system of Abe et al. cannot refer to such information since there is no such information. Therefore, Abe fails to disclose, teach or suggest “identifying means for identifying the second position information, by referring to the table information, wherein the identifying means performs determination whether the first position information of the playback frame which is specified by the playback instruction exists in each status section which is grouped by the plurality of consecutive frames having the same status information.”

If the Examiner maintains this assertion, Applicants respectively request a detailed explanation on how Abe et al. can be read to teach the system disclosed in Abe et al. stores status information indicating a type of change pattern of a value of the first position information, and any evidence thereof or Official Notice therefor as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

With respect to canceled claim 7 which has been canceled by the foregoing amendment, the Office Action asserts that “Abe et al. teaches status section which is grouped by the change point in the table information and composed of a plurality of consecutive frames having the same status information, the identifying means performs determination whether the first position information of the playback instruction exists ... (e.g. figure 9, column 15, lines 1-52 user can instruct displaying the video according to “date of photo shooting, the model name, serial number, cassette number and location of photo shooting”).

However, “date of photo shooting,” “model name,” “serial number,” “cassette number” and “location of photo shooting” which the Office Action points out, are not status information which indicates a type of change pattern of a value of the first position information as to each frame of the video data. According to the claimed invention, each status section is grouped by the

plurality of consecutive frames having the same status information, that is, **the status information indicates a type of change pattern which is determined on a frame basis not on a clip or file basis**, and further the consecutive frames have the same status information. Applicants believe that in Abe et al., information such as “date of photo shooting,” “the model name,” “serial number,” “cassette number” and “location of photo shooting” is not such a type of change pattern of a value of the first position information as to each frame of the video data. If the Examiner maintains this assertion, Applicants request the Examiner provide any evidence thereof or Official Notice therefor, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Thus, in Abe et al. since “status information of the time code management table does not include status information indicating a type of change pattern of a value of the first position information as to each frame of the video data,” the determination whether the first position information of the playback instruction exists cannot be performed in each of such status sections which is grouped by a plurality of consecutive frames having the same status information.

Accordingly, Abe et al. fails to disclose, teach or suggest “the identifying means performs determination whether the first position information of the playback frame which is specified by the playback instruction exists in each status section which is grouped by a plurality of consecutive frames having the same status information indicating a type of change pattern of a value of the first position information in the table information.”

Therefore, the applied art does not anticipate claim 1. Accordingly, withdrawal of this rejection and allowance of the claim is respectfully requested.

2. Claims 5 and 7

By the foregoing amendment, claims 5 and 7 have been canceled. The rejection is now moot. Therefore, withdrawal of the rejection is respectfully requested.

3. Claims 2-4, 6 and 8

It is respectfully submitted that since claims 2-4, 6 and 8 depend on independent claim 1, they are allowable for at least the reasons that claim 1 is allowable respectively, and they are further allowable by reason of the additional limitations set forth therein.

4. Claim 9

Claim 9 is directed to a layback method for playing back video data, in which steps thereof are implemented by a computer system, comprising the steps of: accepting a playback instruction indicating a playback frame; storing table information including first position information, which is absolute position information as to each frame of the video data, second position information, which is associated with the first position information as to each frame of the video data and is relative position information of the video data, and status information indicating a type of change pattern of a value of the first position information as to each frame of the video data, so that a plurality of consecutive frames having the same status information indicating a type of change pattern of a value of the first position information in the table information can be identified; determining whether the first position information of the playback frame which is specified by the playback instruction exists in each status section which is grouped by the plurality of consecutive frames having the same status information; identifying the second position information corresponding to the first position information of the playback frame which is specified by the playback instruction based on a result of the determination, referring to the table information; and playing back the playback frame corresponding to the second position information identified.

Similarly to the arguments of claim 1, Abe et al. fails to disclose, teach or suggest “storing table information including first position information, which is absolute position information as to each frame of the video data, second position information, which is associated with the first position information as to each frame of the video data and is relative position information of the video data, and status information indicating a type of change pattern of a value of the first position information as to each frame of the video data, so that a plurality of consecutive

frames having the same status information indicating a type of change pattern of a value of the first position information in the table information can be identified; determining whether the first position information of the playback frame which is specified by the playback instruction exists in each status section which is grouped by the plurality of consecutive frames having the same status information; identifying the second position information corresponding to the first position information of the playback frame which is specified by the playback instruction based on a result of the determination, referring to the table information.”

Thus, Abe et al. does not anticipate claim 9. Therefore, withdrawal of the rejection and allowance of claim 9 is respectfully requested.

5. Claim 10

Claim 10 is directed to a computer readable medium, for allowing a computer to execute processing for playing back video data, comprising including program instructions executable by a computer system for: accepting a playback instruction to indicating a play back a playback frame, using first position information which is absolute position information as to each frame of the video data; determining whether the first position information of the playback instruction exists in each status section which is grouped by a plurality of consecutive frames having a same status information indicating a type of change pattern of a value of the first position information as to each frame of the video data in the table information; identifying second position information which is associated with the first position information of the video data and is relative position information, relative to a starting frame of the video data, of a the playback frame and which corresponds to the first position information of the playback frame which is specified by the playback instruction based on a result of the determination; and playing back a the playback frame corresponding to the second position information identified.

Similarly to the arguments of claims 1 and 9, Abe et al. fails to disclose, teach or suggest “determining whether the first position information of the playback instruction exists in each status section which is grouped by a plurality of consecutive frames having a same status information

indicating a type of change pattern of a value of the first position information as to each frame of the video data in the table information; identifying second position information which is associated with the first position information of the video data and is relative position information, relative to a starting frame of the video data, of a the playback frame and which corresponds to the first position information of the playback frame which is specified by the playback instruction based on a result of the determination.”

Thus, Abe et al. does not anticipate claim 10. Therefore, withdrawal of the rejection and allowance of claim 10 is respectfully requested.

6. Newly Added Claim 11

It is respectfully submitted that since claim 11 depends on independent claim 1, it is allowable for at least the reasons that claim 1 is allowable respectively, and it is further allowable by reason of the additional limitations set forth therein.

V. Conclusion

In view of the following arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action.

However, Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

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Amendment dated August 25, 2009
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Docket No.: SON-3073

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-3037 from which the undersigned is authorized to draw.

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Respectfully submitted,

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